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OFFICE OF THE DIRECTOR
TC 3600

In re Application of
Mark James Yunker et al.
Application No. 09/904,387
Filed: July 12, 2001
For: SLIDE FOR SORTING MACHINE

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT.

This is in reply to applicants' communication filed in the United States Patent and Trademark Office on April 22, 2003. That communication is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181

The petition is **DENIED**.

A review of the file record indicates that an Office action was mailed on October 9, 2002. Since no response to the October 9, 2002 Office action has been received, the application is held abandoned since the six month statutory period for reply has expired, although a Notice of abandonment has yet been mailed.

Applicants' petition includes a copy of a response having a Certificate under 37 CFR 1.8(a) signed by Kenneth A. Keeling. A statement under 37 CFR 1.8(b)(3) was received from Kenneth A. Keeling on June 27, 2003. In that statement, Kenneth A. Keeling attests to having transmitted the response via facsimile on December 27, 2002. However, the Certificate is dated December 26, 2002. Thus, the copy of the response filed with the petition can not be accorded a filing date of December 26, 2002. Since applicants did not timely file a response to the October 9, 2002 Office action, the holding of abandonment will not be withdrawn.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181."


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SNM/tpl: 7/17/03